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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re) Case No. 05-33669-C-7
DOUGLAS RON EATTOCK,) MC No. MOH-3
Debtor.)
_____)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION TO AVOID LIEN**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014. Evidence was taken pursuant to Federal Rule of Civil Procedure 43(e), as incorporated by Federal Rule of Bankruptcy Procedure 9017 and as invoked by Local Bankruptcy Rule 9014(e).

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(K).

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Findings of Fact

On June 2, 2006, the debtor filed a motion requesting that this court avoid a judgment lien in favor of State Collections, Inc. ("creditor") because the lien impairs the debtor's homestead exemption. The lien attaches to the debtor's residence at 10424 Cohasset Road, Chico, California ("the property"). The debtor properly served notice and creditor did not file an opposition. A hearing was scheduled July 18, 2006, to consider the motion. The motion was then continued and scheduled to be heard on August 29, 2006. Upon review of the record, the court determined that the written record was adequate and that no oral argument was necessary.

Debtor scheduled the property at a value of \$72,000. Other liens in the approximate amount of \$130,179.88 are the subject of other motions to avoid liens.

The debtor's motion claims that the lien in favor of State Collections, Inc. impairs debtor's homestead exemption. Debtor claimed the property as exempt for \$75,000.

Conclusions of Law

A debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that the lien impairs an exemption that is properly claimed and to which there is no objection. 11 U.S.C. § 522(f)(1). The record reflects that the lien in favor of State Collections, Inc. impairs an exemption to which the debtor is entitled.

1 The motion will therefore be granted. An appropriate
2 order will issue.

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4 Dated: August 4, 2006

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7 UNITED STATES BANKRUPTCY JUDGE
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CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

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State Collections, Inc.
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Robert L. Paiva
2390 Windsor Lane
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Jesse Yohanan
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Office of the United States Trustee
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Dated: 8/7/06


Deputy Clerk